

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
LINDA ULISS BURKE  
VINCENT D. MOSCHELLA  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN O. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRLICH  
LEONARD A. TOKUS  
VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS O. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

April 30, 2008

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,  
S.C for legal fees for Police Officer Todd Lewan  
C.I. File No. 07-S-243-7; EC 2486

Dear Council Members:


Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officer Todd Lewan. The claim is in the amount of \$2,152.00 including \$18.00 in disbursements for 19.40 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
Assistant City Attorney

JAS:amp  
Enc.

1032-2007-1831:124858v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

**Milwaukee Police  
Department**

# Memo

**To:** Police Officer Todd Lewan  
**From:** Deputy Inspector Mary K. Hoerig  
**Date:** 8/10/2007  
**Re:** Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 20, 2006
- A Criminal Investigation/Allegations regarding Mr. Dontores Ricks

Is this information correct?

YES X NO     

Did you receive legal representation in this matter?

YES X NO     

Your Signature: \_\_\_\_\_

*P.O. Todd Lewan* LEWAN

Print Your Name: \_\_\_\_\_

P.O. Todd LEWAN

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

07 AUG 14 AM 9:15  
 INTERNAL AFFAIRS  
 DIVISION

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

LAURIE A. EGGERT  
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

June 29, 2007

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

2007 JUL -5 PM 2:54  
CITY OF MILWAUKEE  
RONALD D. LEONHARDT  
CITY CLERK

**RE: MPD Criminal Investigation of PO Todd Lewan  
Allegations Regarding Mr. Dontores Ricks  
Date of Incident: January 20, 2006  
Location of Incident: 647 North 21<sup>st</sup> Street**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a foot pursuit and arrest.

DA Chisholm reviewed the matter and did not issue charges against the officer. Attached is a copy of DA Chisholm's letter and an itemization of the time and services rendered.

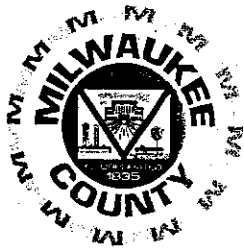
Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs  
Attachments  
LEWAN

2007 JUL -5 AM 11:18  
CITY OF MILWAUKEE  
OFFICE OF  
CITY ATTORNEY



OFFICE OF DISTRICT ATTORNEY

RECEIVED

MAY 10 2007

CERMELE & ASSOCIATES, S.C.

# Milwaukee County

JOHN T. CHISHOLM • District Attorney

March 27, 2007

Chief Nannette Hegerty  
City of Milwaukee Police Department  
749 N. 9th Street  
7th Floor  
Milwaukee, WI 53233

**Re: Complaint of Dontauris Ricks**

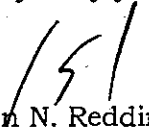
Dear Chief Hegerty:

On January 20, 2006, Milwaukee Police were dispatched to Michael's Restaurant to a report of a man with a gun. The man, Dontauris Ricks, fled the scene when police arrived. Although Ricks dropped the gun as he fled, the gun was not found until later and police pursuing him reasonably believed him to be armed.

Ricks successfully eluded police for a brief time, finding a dumpster where he hid under some garbage. His hiding place was found a short time later and police ordered him out of the dumpster. He did not comply, was pulled out and taken to the ground. He struggled and would not show his hands. Milwaukee Police officer Todd Lewan acknowledges that he delivered 3-4 "focused kicks" to Ricks's rib area, which resulted in Ricks giving up the fight and being handcuffed.

I cannot say that these kicks were an excessive use of force against a struggling, uncooperative and presumably armed man who had fled, hidden and then refused to comply with police instructions to show his hands. Having reached this conclusion, I am declining criminal charges.

Very truly yours,

  
Jon N. Reddin  
Chief Deputy District Attorney

JNR:jr

cc/Jeffrey Hoover

Jon N. Reddin  
James J. Martin  
Patrick J. Kenney  
Lovell Johnson, Jr.  
Kent L. Lovern  
Thomas A. Schulz  
Alexander G. Skienarz  
William J. Molitor  
Donald S. Jackson  
Gale G. Shelton  
Gary D. Mahkon  
David Robles  
Peg Tarrant  
Douglas J. Simpson  
Cynthia G. Brown  
Norman A. Gahn  
Stephanie Gineris Rothstein  
Carol E. Janick  
Steven H. Glamm  
Mary Anne Smith  
Mark S. Williams  
Linda Johnson  
John M. Stobbar  
Thomas L. Porter  
David Feiss  
Rayann Chandler Szycholski  
Carole Manchester  
Kenneth R. Berg  
Warren D. Zier  
Timothy J. Cotter  
Carol Berry Crowley  
Steven V. Licata  
Brad Vorpaht  
Paul Tiffin  
Miriam S. Falk  
Phyllis M. DaCarvalho  
Dennis P. Murphy  
Phillip A. Arief  
Thomas J. McAdams  
Bruce J. Landgraf  
Dennis J. Stigl  
David M. Lerman  
Janet C. Protasiewicz  
DeAnn L. Heard  
Patricia A. McGowan  
Irene E. Parthum  
Karen A. Loebel  
Nancy Etzenheim  
Ronald S. Dagus  
Lori S. Kornblum  
Karine O'Byrne  
Maria Dorsey  
James W. Frisch  
Kurt B. Benkley  
James C. Griffin  
William P. Pipp  
Audrey Skwierawski  
Joanne L. Hardtke  
Christopher A. Liegel  
Megan P. Carmody  
Laura A. Crivello  
Shawn Pompe  
Kevin R. Shomin  
Jennifer Marlock  
Beth D. Zingibel  
Karen A. Vespalec  
Mark A. Sanders  
Paul C. Dedinsky  
David T. Malone  
Kelly L. Hodge  
Jeffrey J. Altenburg  
Rachael Stencil  
Patti Wabitsch  
Bruce W. Becker  
Michael T. Mahoney  
Mary M. Sowinski  
Kathryn K. Samer  
Jeanette Corbett  
Jeffrey P. Greipp  
David Maas  
Daniel J. Gabler  
Sara P. Scullen  
T. Christopher Dee  
Lisa P. Fricker  
Tiffany J. Harris  
Daniel R. Humble  
Jacob D. Corr  
Joy Hammond  
Trevor A. Sisk  
Andrew J. Maier  
Heidi E. Galvan  
Nancy A. Noet  
Elisabeth Mueller  
Megan J. Paulson  
Grant J. Huebner  
Stephan Edward Nollen  
Christine M. Quinn  
Michelle Ackerman Havas  
Robin J. Rosche  
Jennifer K. Rhodes  
Claire Starling  
Zach Whitney  
Rebecca A. Kislner  
Matthew J. Torbenson  
Katrana L. Childs  
Carah Helwig  
Mary C. Theisen  
Gibben Urfer  
Jenna Marten  
Anthony White  
Antoni Apolto  
Julia Driscoll  
Nicole Dondlinger  
Erin Karshen  
Lucy Krontorst  
William Anthony Bell, Jr.  
Erin Dineen  
Monica J. Halt  
Michael J. Lonski  
Paul M. Hauer  
Sara Beth Lewis  
Aaron E. Hall  
Rory Kinnally  
Jenni Spies  
Latrice Pinson  
David M. Stegall  
Amanda Kirklewski  
Benjamin Wesson  
Renee Heinitz  
Karl P. Hayes  
Jessica Zetley  
Holly L. Bunch

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

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FAX (414) 276-8906

LAURIE A. EGGERT  
- OF COUNSEL -

June 29, 2007

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation of PO Todd Lewan  
Allegations Regarding Mr. Dontores Ricks  
Date of Incident: January 20, 2006  
Location of Incident: 647 North 21st Street  
Professional services

	<u>Hours</u>
3/3/2006 Telephone call from PO Lewan; intra-office conference with Cermele; open file; memo to file; office conference with PO Lewan; memo to file.	2.40
3/6/2006 Memo to file.	0.40
3/7/2006 Telephone calls to and from numerous witnesses; memos to file regarding same; telephone call to PPD.	1.70
3/8/2006 Telephone call to PPD; memo to file; telephone call to PO Lewan.	0.70
3/9/2006 Telephone calls from witnesses; memos to file.	1.30
3/10/2006 Telephone call from witness; memo to file.	0.30
3/13/2006 Telephone call to witness.	0.10
3/14/2006 Telephone call to and from 3 witnesses; memos to file.	1.40
3/21/2006 Telephone call to PPD; memo to file; telephone call to client (message).	0.50

	<u>Hours</u>
3/23/2006 Telephone call to PPD; memo to file.	0.30
5/23/2006 Review file; telephone call to PPD; memo to file.	0.40
5/24/2006 Telephone call from PPD; telephone call to client.	0.30
7/7/2006 Telephone call to PPD.	0.10
7/10/2006 Telephone call to DDA Reddin.	0.10
10/20/2006 Telephone call to and from DDA Reddin; review file.	0.40
12/1/2006 Review file per Cermele; telephone call to PO Lewan.	0.30
12/7/2006 Telephone call from and to PO Lewan; telephone call to witness; telephone call to DDA Reddin; telephone call from witness; memo to file.	0.50
12/8/2006 Discussion with DDA Reddin; intra-office conference with Pings.	0.20
12/18/2006 Telephone call from and to DDA Reddin.	0.10
12/19/2006 Telephone call from DDA Reddin; telephone call to PO Lewan; telephone call to and from witnesses.	0.50
12/20/2006 Memo to file.	0.10
1/2/2007 Telephone call from and to witness.	0.10
1/10/2007 Telephone call from and to witness.	0.10
1/16/2007 Telephone call to DDA Reddin.	0.10
2/23/2007 Telephone call from and to DDA Reddin regarding scheduling statements; telephone call to client regarding same.	0.20

	<u>Hours</u>
3/6/2007 Conference with client; telephone call to DDA Reddin.	0.30
3/19/2007 Travel to DA's office for statement to Reddin; telephone call to client; conference with DDA Reddin; return travel; several telephone call to and from PO Lewan and witnesses to schedule statements; telephone call to Reddin regarding same.	1.50
3/20/2007 Telephone call from client; telephone call to DDA Reddin.	0.20
3/21/2007 Telephone call from and to DDA Reddin; telephone call to client; telephone call to witness; calendar statement dates.	0.30
3/26/2007 Travel to Safety Building; meeting with client and attend client's statement DDA Reddin; return travel; memo to file; travel to Safety Building; meeting with witness and attend his statement to DDA Reddin; return travel; memo to file.	4.00
5/7/2007 Telephone call to DDA Reddin regarding status; memo to file.	0.20
5/10/2007 Receive and review correspondence from DDA Reddin clearing client of criminal charges; correspondence to client; close file.	0.30

	<u>Amount</u>
For professional services rendered	19.40
Additional charges:	\$2,134.00
3/19/2007 Parking	4.00
3/26/2007 Parking	8.00
Parking	6.00
Total costs	<u>\$18.00</u>
Total amount of this bill	<u>\$2,152.00</u>

Mr. Ronald Leonhardt

Page 4

Amount

Balance due

\$2,152.00

(Rate: \$110.00 per hour)